

101 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3805-2021
Date of Decision: 19.03.2021

SARABJIT KAUR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Prateek Gupta, Advocate for the petitioner
Mr.Sandeep Kumar, Deputy Advocate General, Punjab
Mr.Lokesh Chander Aggarwal, Advocate for the complainant

Deepak Sibal, J.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.36 dated 25.06.2020 registered under Section 420 IPC at Police Station City Ahmedgarh , District Sangrur.

Briefly stated, the case of the prosecution is that the complainant, on coming in contact with the petitioner's husband, who is a property dealer, disclosed to him that the complainant was facing some litigation qua her property in Ludhiana. On this the petitioner's husband told the complainant that she need not worry as he would take care of her litigation by engaging a good legal team for her. The petitioner's husband further assured the complainant of good returns on investment made through him. On being lured by the petitioner's husband, the complainant, from her savings transferred funds / gave gold ornaments to the petitioner and her husband to the tune of Rs.1,19,00,000/-. However, no investment was made by the petitioner's husband on the complainant's behalf.

Qua the litigation that the complainant was pursuing in the District Courts at Ludhiana, it is the case of prosecution that the petitioner's husband, by playing fraud with the complainant got her to execute in his favour a Special Power of Attorney on the basis whereof he started pursuing the litigation/ negotiating a deal by projecting himself to be the owner of the complainant's property. When the complainant came to know of it she contacted her advocate and got the Special Power of Attorney cancelled.

Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the case only to put pressure on the petitioner's husband; out of the total amount of Rs.1,19,00,000/-, which is alleged to have been paid by the complainant only an amount of Rs.4,40,000/- was transferred in the petitioner's account which was without her knowledge which in any case has since been returned; the FIR itself has been illegally registered at Ahmedgarh as no cause of action arose over there and that under the interim orders passed by this Court the petitioner has joined investigation.

Learned State counsel opposed the grant of anticipatory bail to the petitioner by contending that the FIR in question does not lack jurisdiction as the complainant resides in Ahmedgarh; part of the cause of action arose in Ahmedgarh as amounts from the complainant's brother's bank account at Ahmedgarh had been transferred by the complainant to the bank accounts of the petitioner and her husband; cash and gold articles were also given by the complainant to the petitioner and her husband at Ahmedgarh and that the petitioner and her husband had duped the complainant for a huge amount.

Learned counsel for the parties have been heard and the

relevant record perused.

A perusal of the record reveals that the main thrust of the allegations with regard to allurement and fraud are against the petitioner's husband. Out of the total amount of Rs.1,19,00,000/- allegedly paid by the complainant only a sum of Rs.4,40,000/- has come into the petitioner's account which she says has been returned – a fact that the complainant denied.

In the light of the above discussion as also because under the interim orders passed by this Court the petitioner has joined the investigation process, this Court is of the opinion that the petitioner's custodial interrogation is not required more so when her husband's petition for anticipatory bail has been dismissed by this Court.

In view of the above, the interim order of this Court dated 28.01.2021, granting ad interim anticipatory bail to the petitioner is made absolute.

19.03.2021

gk

(Deepak Sibal)
Judge

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No